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FORD, GERALD R.
KISSINGER, HENRY A.
COLBY, WILLIAM E.
CIA
CHURCH COMMITTEE
SCOWCROFT, BRENT
ASSASSINATIONS, FOREIGN LEADERS
BUCHEN, PHILIP

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178-10004-10314

(Wty under way)

P/Intelligence Wty
(K, S, L, H, B, 130 Oct 75
March, Rumsfeld)

(15A)

S (Argued that Atty Gen should not oppose surveillance)

P In case of JFK Act 5 (g) (2) (D)
you sign each one. For NSA, you would sign
a good one that it is w/in a law

L Yes, but I think it should be periodically renewed

S Question is whether Atty Gen should rule on surveillance

JFK Act 5 (g) (2) (D)

cases in review of Atty Gen ruling on overseas surveillance

C The technology is advancing so fast that phone calls could be routed overseas for call but Wash & Rich

L 2nd circuit has held that overhearing an Am. abroad is a violation

R I would think Pres would want Atty Gen involved in periodic review so he would know what might come up in a paper

S The articles in a paper today result from Presidential directives

K What is in a paper today results from us dropping most guarantees of national security. The paper has just said we have broken a Egyptian code - it has been broken. I think rather than just say a law is filed we should try to educate - commit to the realities of a world & our national security needs.

L Once a country, a commit are making, but in a changing direction. We may be able to state that we have to be careful about our practices as we prepare our case

P I think trying to get a statute would be a disaster

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in today's environment. Maybe a statute in a year or so, but now will just have to use guidelines.

K Does Ed want to appear only N.S.A. opn.

L I think we have to have some guidelines, perhaps as % of incidental US traffic overheard.

S I do. We can work out guidelines. I am worried about a Atty Gen. being the biggest intel officer future proposes.

P Let's have State, Dep, CIA draw up guidelines and then submit it w/ Atty Gen.

B Church is ready on assets report. They will let me review a document for security & sensitivity, but not on a merits case. We don't want to get you in position of rep. for a report. They won't let us edit it or approve it.

P I guess it's a matter of how they would handle it as carefully as we have.

Sc. If they publish a report at all it is irresponsible.

K If those things get put out, senior officials will stop speaking frankly and foreign govt will wonder about this ability to work w/ us confidentially.

P I think this is a more highly sensitive area than any we have had.

C Any document which officially shows US involvement in assets is a F.P. disaster.

P I never assumed they had a right to publish any of this.

L There is no legal way we can prevent it.

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P I don't know what the letter of transmittal was, but I said they had to handle these certain documents as we had - and we released none.

M Once they have a document, a speech & debate clause means there is no way we can prevent its release.

K The main element in these investigations is the turning over of documents. During the Gaulty, etc, there was testimony but it did not involve all documents involved.

(More discussion on this point)

P B The vote was wound on a certain date

B We agreed that we would object to any report but that we would review ~~an~~ a document for most damaging provisions. It was apparent that we wouldn't get a vote in a vote not to publish a report.

M The vote has departed with pass on a kind of provisions. We agreed to do that except in context

P I think we should review it and then say it is not in much interest to release it at all.

Sc We can send any letter we want following a review.

P I think we should review w/a tough eye and then say the document shouldn't be released, but if they determined, then some areas are more damaging than others.

K I think we have a proposed cert. issue which I think we have to face & establish some focus around this issue as a country has certain standards than others.

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B All we are fighting is official information of material which is already widely known. This is not a good reason on which to go to court.

P I don't want to be any part of their publishing material like this. If they want to do that, it is their responsibility.

B That is position we have taken.

P We have to say every strongly we oppose a report, but that there are some more damaging than others.

M Let's get to the other issues.

C Church is issuing a lot of unsubstantiated premises covered up a matter to making them public - for dissemination. They also want to go into sensitive current ops. One of them is Cuba, and a possible threat to Korea; Congo, w/ threat to Thailand, Laos, Indonesia, etc.

Pete wants to get into Portugal & Angola. We think have turned off Portugal. We ^{didn't} ~~turn~~ like + the blue on Angola. I think we do but he has 2 questions - was a decision making really seriously done. The other is ~~is~~ does Angola meet a participation of ~~is~~ with security.

P I think in a real interest they should stay away from current ops.

R If any Centre has right to present a Pres' certification, we are in another legal situation.

C The same problem is that of trans they have asked

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- for all records have relation of Pomran, Grief
ITT & If we acknowledge relationship, we will
kill the conspiracy & our ability to place agents & get
copy. We would prefer avoiding to be publicly aware
where things may be a question of propriety.
- K. We will have a monumental job getting any copy to
copy w/ us in the future.
- C. True, but if an allegation of impropriety, we can't say
and defend that.
- W. (These discussions of - Angelen issue)
H. Yes, you are right.
- K. There is one issue apparently pertaining to State-
permitting junior personnel to testify as to policy
manipulation. The danger is that juniors will
use this to get at their seniors who attacked them as
for events & harass them for decisions
they made. To do otherwise would weaken F.S.
This to me is a question of absolute principle. It is
like the Court against people ^{who} depend themselves.
- A. Before we get into this one motion, I think we should
go through Bayart letter & remove those parts which
do contain names & policy. The Court has a
strong special charter & I think it is wrong to
decide ourselves. If it is going into litigation, I think
we should see if we cannot sanitize & document.
- K. The basic point of dissent was not to place a embargo
in actions had a predilection for - flouting & thus dictating
action to a disk operator.
- S. Seems to me you are saying there is a principle
involved - that is, a right of junior officers to get

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to a Secy w/o fear of being exposed.

L You have a strong public position now, but I think it will wither when the letter becomes known, because 90% of a document is a recitation of fact.

Lyons: The question is not one of imprint - it is how imprint to let it happen - but what is a legal handle on it. There I think we are weak.

S. State is deep. Take Britain, where a bureau in alliance w/ Congo can stop a Secy.

R. I am concerned about - integrity of C.F.S. It took us 15 yrs. to recover from the Century.

P. If Boyatt was up there testifying what happened day by day, what would you say?

K. I'd have no plot.

L. ~~Let~~ There is no doubt State & Def have prepared position, but I'm trying to preserve it for you & that means a long one can catch it.

P. There are 2 issues: one is the sanctity of a closed channel & ~~second~~ ~~other~~ is testifying as to a fact. If you say a letter is acceptable. W/o having made a memo, I would say we strengthen our case if we cut out extraneous material in a memo.

L. I think it is foolish to imagine this case into what you want it to be. When a document gets printed in a paper I think you will wonder whether this is a case on which to make a case.

W. ~~My~~ ~~which~~ ~~would~~ ~~me~~ ~~is~~ ~~possible~~ ~~that~~ ~~Boyatt~~

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would agree to release

P From lawyer point of view, what do you recommend

L Review of document to decide whether to submit matter & give a quote what is left, if there is some in a document. There was in a strong position to defend & issue

K What is your position about giving press testimony on opinion

L That's tough. Don't know how you can hold it

R You have to depend that on political not legal ground.

P I think we have a defensible position if we send a court lawyer & a junior officer up as a division of testimony.

M I agree w/ strong position ~~on~~ w/ respect to oversight controls. But this is a special case & circumstance

P I think we want a confrontation where we know & as/c public we can win. We ought to find a case which will give us both of those. How we handle this case ^{ought} to fall w/ in those parameters. Our witnesses I think are on a right track & should stand. One more thing, I think we should take a look at

K Zero FSO's have written letters, as have retired people like George Kennan, etc.

P Let's see if we can separate fact from opinion

R Except from your initial & dissent principle.

Many dissents are ~~based~~ based on a ~~single~~ ^{single} ~~assertion~~ ^{assertion} that a Secretary doesn't know facts. (over)

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Don't have to respond to a demand by
providing a summary of it?

H. Might be.

K. That I would do only in context of saying
there are all a contrary means expressed to
me.

P. Let's look at all these options & see where we
go.

K. If I am asked to do it. I'll do it, but I
think this is a profound issue of foreign
policy & a foreign threat. We are conceding
to a certain principle & arguing only on
fact.

P. But contrary is that if you get a bad case
& lose it you have done ^{no} ~~no~~ damage

K. That is true.

P. I think we can confront them & win if
we have the right case.

R. I think we better offer a protected cooperation
than a by ad hoc case / other courts.

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